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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF ARIZONA**  
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8 Roy and Josie Fisher, et al.,  
9 Plaintiffs

10 and

11 United States of America,  
12 Plaintiff-Intervenor,

13 v.

14 Tucson Unified School District, et al.,  
15 Defendants,

16 and

17 Sidney L. Sutton, et al.,  
18 Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

19 Maria Mendoza, et al.,  
20 Plaintiffs,

21 and

22 United States of America,  
23 Plaintiff-Intervenor,

24 v.

25 Tucson Unified School District, et al.  
26 Defendants.  
27

No. CV-74-0204-TUC-DCB

**ORDER**

28 Report and Recommendation Re: SY 2016-17 reallocating unspent 910G funding

1 The parties have agreed, with one exception, to reallocate unspent 910G funds  
2 from the current budget to several activities and projects. The one exception is the  
3 proposal to use unspent 910G funds for facility upgrades at Carrillo K-5 Magnet School.  
4 The Plaintiffs object because this involves the inappropriate supplanting of other  
5 revenues with 910G funds. The supplanting restriction exists to prevent 910G funds from  
6 becoming a District slush fund. The Special Master, however, recommends the Court  
7 approve the use of the 910G funds “[b]ecause Carrillo is a high performing magnet  
8 school that is making gains towards becoming integrated, it is important that serious  
9 deficiencies in facilities (e.g., a leaking roof) be repaired in order not to deter families  
10 from choosing Carrillo, which would impede the integration of that school.” (R&R (Doc.  
11 2008) at 2.) Carrillo is an important component to the USP because it is a successful  
12 magnet school. Therefore, the Court agrees that the surplus 910G funds should be used  
13 for this proposed facility repair project.

14 **Accordingly,**

15 **IT IS ORDERED** that the Report and Recommendation (Doc. 2008) is approved  
16 and adopted by the Court.

17 Dated this 10th day of April, 2017.

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Honorable David C. Bury  
United States District Judge